

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ELI LILLY AND COMPANY and ICOS CORPORATION,)	
)	
Plaintiffs,)	CIVIL ACTION NO.
)	2:18-cv-11543 (WHW) (CLW)
v.)	
)	
TORRENT PHARMACEUTICALS LIMITED and TORRENT PHARMA INC.)	
)	
Defendants.)	

CONSENT JUDGMENT

Eli Lilly and Company and ICOS Corporation (collectively “Plaintiffs”) and Torrent Pharmaceuticals Ltd. and Torrent Pharma Inc. (collectively “Defendant”), the parties in the above-captioned action, have agreed to terms and conditions representing a negotiated settlement of this action and have set forth those terms and conditions in a Binding Term Sheet and will execute a final settlement agreement (collectively the “Settlement Agreement”). Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in this action as follows:

IT IS this 9 day of October, 2018:

ORDERED, ADJUDGED AND DECREED as follows:

1. This District Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties.
2. As used in this Consent Judgment, (i) the term “Defendant’s ANDA Product” shall mean a drug product sold, offered for sale or distributed pursuant to

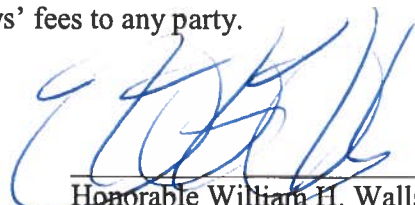
Defendant's Abbreviated New Drug Application No. 211839 (and defined in greater detail in the Settlement Agreement); and (ii) the term "Affiliate" shall mean any entity or person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Defendant; for purposes of this definition, "control" means (a) ownership, directly or through one or more intermediaries, of (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. Unless otherwise specifically authorized or not precluded pursuant to the Settlement Agreement or under 35 U.S.C. § 271(e)(1), Defendant, including any of its Affiliates, successors and assigns, is enjoined from infringing U.S. Patent No. 6,943,166 ("the '166 patent"), on its own part or through any Affiliate, by commercially making, having made, using, selling, offering to sell, importing or distributing of the Defendant's ANDA Product.

4. Compliance with this Consent Judgment may be enforced by Lilly and its successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

5. This District Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.

6. All claims and demands in this action are hereby dismissed with prejudice and without costs, disbursements or attorneys' fees to any party.



Honorable William H. Walls
United States District Judge

The parties consent to the form and entry of this Order.

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